THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5559 of 2007

Between:

Mohammed Ghouse Khan. … Petitioner

and

Municipal Corporation of Hyderabad,
and others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for respondents 1 and 2.

It is the case of the petitioner that civil disputes are pending between the petitioner and unofficial respondents 3 to 7 before the Land Grabbing Court, as the petitioner filed L.G.C.(Sr.).No.648 of 2007 against unofficial respondents 3 to 7.

The fact that the petitioner initiated Land Grabbing Proceedings against unofficial respondents 3 to 7 goes to show that unofficial respondents 3 to 7 are in occupation of the premises bearing Nos. 19-4-16/16/1, 19-4-16/16/2 and 19-4-16/16/3 situated at Farooq Nagar, Falaknama, Hyderabad.

It is stated that the proceedings are pending before the Land Grabbing Court. Merely because unofficial respondents 3 to 7 are in occupation of the said premises, it cannot be said that they can make any structures contrary to the relevant provisions of Municipal Corporation Act and Rules and byelaws made thereunder relating to construction of houses.

It is further stated that as unofficial respondents 3 to 7 are making illegal and unauthorised constructions in the said premises, the petitioner made a representation, dated 05-03-2007, before the 1st respondent, marking a copy to the 2nd respondent, requesting to take appropriate action against unofficial respondents 3 to 7 and see that they do not make any illegal constructions.

I am not inclined to express any opinion as to the merits of the

case.

However, I am of the opinion that even a lawful owner also cannot make any construction contrary to the building byelaws. Further, whether unofficial respondents 3 to 7 are constructing houses contrary to the building byelaws, without obtaining any permission, is a matter to be considered by the 2nd respondent. Therefore, it is just and proper to direct the 2nd respondent to dispose of the representation, dated 05-03-2007.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation, dated 05-03-2007, after giving reasonable opportunity to the petitioner as well as unofficial respondents 3 to 7, in accordance with law, within a period of six (06) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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20-03-2007

Prv